



1636

VIA HAND DELIVERY AUGUST 13, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Ruben et al.

Attorney Docket No.: PZ003P4

Application Serial No.: 09/852,659

Filed: May 11, 2001

Publication No.: US 2002/0077287 A1

Published: June 20, 2002

Examiner: Pappu, S.

Art Unit: 1636

Title: 28 Human Secreted Proteins

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**REQUEST FOR CORRECTED PUBLICATION UNDER 37 C.F.R. § 1.221(b)  
DUE TO MATERIAL OFFICE MISTAKE****Box PGPUB**Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully request a corrected publication of the above-listed application pursuant to 37 C.F.R. § 1.221(b) due to a material mistake made by the Office. In particular, the first page of the published application fails to list 11 applications to which the instant application claims benefit of priority under 35 U.S.C. § 119(e) and § 120. The first page of the published application lists only U.S. App. No. 09/152,060 (i.e. under "Related U.S. Application Data").

The above mistake is apparent from Office records, as page 2 of the published application contains the correct list of 12 priority applications in its entirety. *See*, U.S. Patent Application Publication 2002/0077287 A1. Moreover, the mistake is material, as the missing priority data affects the use of the published application as prior art under 35 U.S.C. § 102(e). In particular, without inclusion of all priority data together on the first page of the published application, an examiner or member of the public would be likely to mistakenly believe that this is the only application to which the present application claims priority. In fact, however, the present application claims priority to applications which, *inter alia*, were filed more than one year prior to the application solely listed as “Related U.S. Application Data.” Hence in order to properly assess priority (*e.g.* for § 102(e) purposes), an examiner or member of the public would be required *know* it was necessary to search the remainder of the application for *additional* priority applications not shown in the “Related U.S. Application Data.” section; thus nullifying the usefulness of this section in patent application publications. Moreover, since the only listed priority application in the “Related U.S. Application Data” section is not the earliest filed application, its exclusive presence there *gives a false impression* that this application represents the earliest claim to priority for the present application.

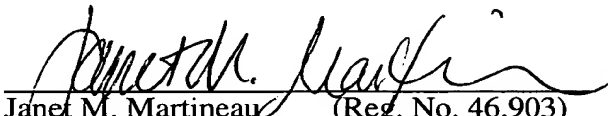
Applicants also note that there are two typographical errors in the published claims of the present application. In particular, published claim 1, part (g) recites, in part, “SEQ IID NO:X” this should, however, recite, “**SEQ ID NO:X.**” And, claim 11 recites, in part, “comprising an amino acid” where the claim should “**comprising an amino acid.**”

Accordingly, Applicants respectfully request that a corrected publication of the above-listed application be made pursuant to 37 C.F.R. § 1.221(b).

No fee is believed due for this submission. In the event that a fee is required in connection with this submission, please charge the required fee to Deposit Account No. 08-3425.

Respectfully submitted,

Date: AUGUST 13, 2002

  
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JMM/DS



# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

## Complete if Known

Application Number 09/852,659

Filing Date May 11, 2001

First Named Inventor Ruben et al.

Examiner Name S. Pappu

Group Art Unit 1636

Attorney Docket No. PZ003P4

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit  
Account  
Number

08-3425

Deposit  
Account  
Name

Human Genome Sciences, Inc.

The Commissioner is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	34	-34** =	0.00
Independent Claims	5	-5** =	0.00
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type) Janet M. Martineau

Registration No. (Attorney/Agent)

46,903

## Complete (if applicable)

Telephone (301) 315-2723

Signature

Date

August 13, 2002

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